

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	5

MR. SPEAKER:

Your Committee on **Government and Regulatory Reform**, to which was referred Senate Bill 173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

1 Page 1, between the enacting clause and line 1, begin a new
 2 paragraph and insert:
 3 "SECTION 1. IC 5-2-1-2, AS AMENDED BY P.L.2-2007,
 4 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2009]: Sec. 2. (a) For the purposes of this chapter, and unless
 6 the context clearly denotes otherwise, the following definitions apply
 7 throughout this chapter:
 8 (1) "Law enforcement officer" means an appointed officer or
 9 employee hired by and on the payroll of the state, any of the
 10 state's political subdivisions, or a public or private postsecondary
 11 educational institution whose board of trustees has established a
 12 police department under IC 21-17-5-2 or IC 21-39-4-2 who is
 13 granted lawful authority to enforce all or some of the penal laws
 14 of the state of Indiana and who possesses, with respect to those
 15 laws, the power to effect arrests for offenses committed in the

officer's or employee's presence. However, the following are expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

- (A) A constable.
 - (B) A special officer whose powers and duties are described in IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-10.6.
 - (C) A county police reserve officer who receives compensation for lake patrol duties under IC 36-8-3-20(f)(4).
 - (D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.
 - (E) An employee of the gaming commission whose powers and duties are described in IC 4-32.2-9.
- (2) "Board" means the law enforcement training board created by this chapter.
- (3) "Advisory council" means the law enforcement advisory council created by this chapter.
- (4) "Executive training program" means the police chief executive training program developed by the board under section 9 of this chapter.
- (5) "Law enforcement training council" means one (1) of the confederations of law enforcement agencies recognized by the board and organized for the sole purpose of sharing training, instructors, and related resources.
- (6) "Training regarding the lawful use of force" includes classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:
- (A) overcoming unlawful resistance; or
 - (B) countering other action that threatens the safety of the public or a law enforcement officer.
- (7) "Hiring or appointing authority" means:
- (A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or
 - (B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

(8) "Homeless individual" means an individual who:

- 1 **(A) lacks a fixed, regular, and adequate nighttime**
 2 **residence; or**
 3 **(B) uses one (1) of the following as a primary nighttime**
 4 **residence:**
 5 **(i) A supervised publicly or privately operated shelter**
 6 **designed to provide temporary living accommodations,**
 7 **including a motel, a hotel, a congregate shelter, or**
 8 **transitional housing.**
 9 **(ii) A public or private place not designed for, or**
 10 **ordinarily used as, a regular sleeping accommodation for**
 11 **human beings.**
 12 **(b) The term does not include an individual imprisoned or**
 13 **otherwise detained under state or federal law."**

14 Page 1, after line 12, begin a new paragraph and insert:

15 "SECTION 3. IC 5-2-1-9, AS AMENDED BY P.L.128-2008,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2009]: Sec. 9. (a) The board shall adopt in accordance with
 18 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
 19 The rules, which shall be adopted only after necessary and proper
 20 investigation and inquiry by the board, shall include the establishment
 21 of the following:

- 22 (1) Minimum standards of physical, educational, mental, and
 23 moral fitness which shall govern the acceptance of any person for
 24 training by any law enforcement training school or academy
 25 meeting or exceeding the minimum standards established
 26 pursuant to this chapter.
 27 (2) Minimum standards for law enforcement training schools
 28 administered by towns, cities, counties, law enforcement training
 29 centers, agencies, or departments of the state.
 30 (3) Minimum standards for courses of study, attendance
 31 requirements, equipment, and facilities for approved town, city,
 32 county, and state law enforcement officer, police reserve officer,
 33 and conservation reserve officer training schools.
 34 (4) Minimum standards for a course of study on cultural diversity
 35 awareness that must be required for each person accepted for
 36 training at a law enforcement training school or academy.
 37 (5) Minimum qualifications for instructors at approved law
 38 enforcement training schools.

1 (6) Minimum basic training requirements which law enforcement
2 officers appointed to probationary terms shall complete before
3 being eligible for continued or permanent employment.

4 (7) Minimum basic training requirements which law enforcement
5 officers appointed on other than a permanent basis shall complete
6 in order to be eligible for continued employment or permanent
7 appointment.

8 (8) Minimum basic training requirements which law enforcement
9 officers appointed on a permanent basis shall complete in order
10 to be eligible for continued employment.

11 (9) Minimum basic training requirements for each person
12 accepted for training at a law enforcement training school or
13 academy that include six (6) hours of training in interacting with
14 persons with mental illness, addictive disorders, mental
15 retardation, and developmental disabilities, to be provided by
16 persons approved by the secretary of family and social services
17 and the board.

18 (10) Minimum standards for a course of study on human and
19 sexual trafficking that must be required for each person accepted
20 for training at a law enforcement training school or academy and
21 for inservice training programs for law enforcement officers. The
22 course must cover the following topics:

23 (A) Examination of the human and sexual trafficking laws
24 (IC 35-42-3.5).

25 (B) Identification of human and sexual trafficking.

26 (C) Communicating with traumatized persons.

27 (D) Therapeutically appropriate investigative techniques.

28 (E) Collaboration with federal law enforcement officials.

29 (F) Rights of and protections afforded to victims.

30 (G) Providing documentation that satisfies the Declaration of
31 Law Enforcement Officer for Victim of Trafficking in Persons
32 (Form I-914, Supplement B) requirements established under
33 federal law.

34 (H) The availability of community resources to assist human
35 and sexual trafficking victims.

36 (b) Except as provided in subsection (l), a law enforcement officer
37 appointed after July 5, 1972, and before July 1, 1993, may not enforce
38 the laws or ordinances of the state or any political subdivision unless

the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
 - (A) attorney; or
 - (B) investigator;

designated by the securities commissioner as a police officer of the state under ~~IC 23-2-1-15(i)~~ **IC 23-19-6-1(i)**.

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes

1 a law enforcement officer to exercise the police powers described in
2 subsection (d) for one (1) year after the date the law enforcement
3 officer is appointed.

4 (f) The board shall adopt rules under IC 4-22-2 to establish a
5 pre-basic course for the purpose of training:

6 (1) law enforcement officers;

7 (2) police reserve officers (as described in IC 36-8-3-20); and

8 (3) conservation reserve officers (as described in IC 14-9-8-27);

9 regarding the subjects of arrest, search and seizure, the lawful use of
10 force, and the operation of an emergency vehicle. The pre-basic course
11 must be offered on a periodic basis throughout the year at regional sites
12 statewide. The pre-basic course must consist of at least forty (40) hours
13 of course work. The board may prepare the classroom part of the
14 pre-basic course using available technology in conjunction with live
15 instruction. The board shall provide the course material, the instructors,
16 and the facilities at the regional sites throughout the state that are used
17 for the pre-basic course. In addition, the board may certify pre-basic
18 courses that may be conducted by other public or private training
19 entities, including postsecondary educational institutions.

20 (g) The board shall adopt rules under IC 4-22-2 to establish a
21 mandatory inservice training program for police officers. After June 30,
22 1993, a law enforcement officer who has satisfactorily completed basic
23 training and has been appointed to a law enforcement department or
24 agency on either a full-time or part-time basis is not eligible for
25 continued employment unless the officer satisfactorily completes the
26 mandatory inservice training requirements established by rules adopted
27 by the board. Inservice training must include training in interacting
28 with persons with mental illness, addictive disorders, mental
29 retardation, and developmental disabilities, to be provided by persons
30 approved by the secretary of family and social services and the board,
31 and training concerning human and sexual trafficking. The board may
32 approve courses offered by other public or private training entities,
33 including postsecondary educational institutions, as necessary in order
34 to ensure the availability of an adequate number of inservice training
35 programs. The board may waive an officer's inservice training
36 requirements if the board determines that the officer's reason for
37 lacking the required amount of inservice training hours is due to either
38 of the following:

- 1 (1) An emergency situation.
- 2 (2) The unavailability of courses.
- 3 (h) The board shall also adopt rules establishing a town marshal
- 4 basic training program, subject to the following:
 - 5 (1) The program must require fewer hours of instruction and class
 - 6 attendance and fewer courses of study than are required for the
 - 7 mandated basic training program.
 - 8 (2) Certain parts of the course materials may be studied by a
 - 9 candidate at the candidate's home in order to fulfill requirements
 - 10 of the program.
 - 11 (3) Law enforcement officers successfully completing the
 - 12 requirements of the program are eligible for appointment only in
 - 13 towns employing the town marshal system (IC 36-5-7) and having
 - 14 not more than one (1) marshal and two (2) deputies.
 - 15 (4) The limitation imposed by subdivision (3) does not apply to an
 - 16 officer who has successfully completed the mandated basic
 - 17 training program.
 - 18 (5) The time limitations imposed by subsections (b) and (c) for
 - 19 completing the training are also applicable to the town marshal
 - 20 basic training program.
- 21 (i) The board shall adopt rules under IC 4-22-2 to establish an
- 22 executive training program. The executive training program must
- 23 include training in the following areas:
 - 24 (1) Liability.
 - 25 (2) Media relations.
 - 26 (3) Accounting and administration.
 - 27 (4) Discipline.
 - 28 (5) Department policy making.
 - 29 (6) Lawful use of force.
 - 30 (7) Department programs.
 - 31 (8) Emergency vehicle operation.
 - 32 (9) Cultural diversity.
- 33 (j) A police chief shall apply for admission to the executive training
- 34 program within two (2) months of the date the police chief initially
- 35 takes office. A police chief must successfully complete the executive
- 36 training program within six (6) months of the date the police chief
- 37 initially takes office. However, if space in the executive training
- 38 program is not available at a time that will allow completion of the

1 executive training program within six (6) months of the date the police
 2 chief initially takes office, the police chief must successfully complete
 3 the next available executive training program that is offered after the
 4 police chief initially takes office.

5 (k) A police chief who fails to comply with subsection (j) may not
 6 continue to serve as the police chief until completion of the executive
 7 training program. For the purposes of this subsection and subsection
 8 (j), "police chief" refers to:

9 (1) the police chief of any city;

10 (2) the police chief of any town having a metropolitan police
 11 department; and

12 (3) the chief of a consolidated law enforcement department
 13 established under IC 36-3-1-5.1.

14 A town marshal is not considered to be a police chief for these
 15 purposes, but a town marshal may enroll in the executive training
 16 program.

17 (l) A fire investigator in the division of fire and building safety
 18 appointed after December 31, 1993, is required to comply with the
 19 basic training standards established under this chapter.

20 (m) The board shall adopt rules under IC 4-22-2 to establish a
 21 program to certify handgun safety courses, including courses offered
 22 in the private sector, that meet standards approved by the board for
 23 training probation officers in handgun safety as required by
 24 IC 11-13-1-3.5(3).

25 (n) The board shall adopt rules under IC 4-22-2 to establish a
 26 refresher course for an officer who:

27 (1) is hired by an Indiana law enforcement department or agency
 28 as a law enforcement officer;

29 (2) has not been employed as a law enforcement officer for at
 30 least two (2) years and less than six (6) years before the officer is
 31 hired under subdivision (1) due to the officer's resignation or
 32 retirement; and

33 (3) completed at any time a basic training course certified by the
 34 board before the officer is hired under subdivision (1).

35 (o) The board shall adopt rules under IC 4-22-2 to establish a
 36 refresher course for an officer who:

37 (1) is hired by an Indiana law enforcement department or agency
 38 as a law enforcement officer;

- (2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;
- (3) is hired under subdivision (1) in an upper level policymaking position; and
- (4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and

1 (2) the agent successfully completes any other training courses
 2 established by the Indiana gaming commission in conjunction
 3 with the board.

4 (s) This subsection applies only to a securities enforcement officer
 5 designated as a law enforcement officer by the securities
 6 commissioner. A securities enforcement officer may exercise the police
 7 powers described in subsection (d) if:

8 (1) the securities enforcement officer successfully completes the
 9 pre-basic course established in subsection (f); and

10 (2) the securities enforcement officer successfully completes any
 11 other training courses established by the securities commissioner
 12 in conjunction with the board.

13 (t) As used in this section, "upper level policymaking position"
 14 refers to the following:

15 (1) If the authorized size of the department or town marshal
 16 system is not more than ten (10) members, the term refers to the
 17 position held by the police chief or town marshal.

18 (2) If the authorized size of the department or town marshal
 19 system is more than ten (10) members but less than fifty-one (51)
 20 members, the term refers to:

21 (A) the position held by the police chief or town marshal; and

22 (B) each position held by the members of the police
 23 department or town marshal system in the next rank and pay
 24 grade immediately below the police chief or town marshal.

25 (3) If the authorized size of the department or town marshal
 26 system is more than fifty (50) members, the term refers to:

27 (A) the position held by the police chief or town marshal; and

28 (B) each position held by the members of the police
 29 department or town marshal system in the next two (2) ranks
 30 and pay grades immediately below the police chief or town
 31 marshal.

32 **(u) This subsection applies to the following:**

33 **(1) Minimum basic training program required under**
 34 **subsection (d).**

35 **(2) Mandatory inservice training program required under**
 36 **subsection (g).**

37 **(3) Town marshal basic training program required under**
 38 **subsection (h).**

1 **(4) Police chief executive training program required under**
 2 **subsection (j).**

3 **(5) Any other training program for which the board adopts**
 4 **standards.**

5 **After December 31, 2009, the standards adopted by the board for**
 6 **each program described in this subsection must include**
 7 **requirements for mandatory training in identifying, responding to,**
 8 **and reporting bias crimes in which the person who committed the**
 9 **offense selected the victim who was injured or whose property was**
 10 **damaged or otherwise affected because of the color, creed,**
 11 **disability, national origin, race, religion, sexual orientation, gender**
 12 **identity, or sex of the victim or an individual affiliated or**
 13 **associated with the victim or because the victim was a homeless**
 14 **individual.**

15 SECTION 4. IC 35-45-11-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A person who
 17 knowingly or intentionally:

18 (1) mutilates a corpse;

19 (2) has sexual intercourse or sexual deviate conduct with the
 20 corpse; or

21 (3) opens a casket with the intent to commit an act described in
 22 subdivision (1) or (2);

23 commits abuse of a corpse, a Class D felony. **However, if the**
 24 **mutilation of the corpse interferes with the investigation of the**
 25 **death, the offense is a Class B felony.**

26 SECTION 5. [EFFECTIVE JULY 1, 2009] **IC 35-45-11-2, as**
 27 **amended by this act, applies only to crimes committed after June**
 28 **30, 2009."**

29 Renumber all SECTIONS consecutively.

(Reference is to SB 173 as printed January 23, 2009.)

and when so amended that said bill do pass.

Representative Bartlett